

Appl. No.: 10/612,343
Amdt. dated 11/18/2009
Reply to Office Action of 08/18/2009

REMARKS/ARGUMENTS

This response is submitted in reply to the Office Action dated August 18, 2009. Claims 1, 3, 6-12, 14-18, 20, 21, 24, 25, 28, 29, 31-35, 37, 48, 51-72, 75, and 76 currently stand rejected. As explained below, however, Applicants respectfully submit that the claimed invention is patentably distinct from the cited references, taken individually or in any proper combination. Nonetheless, Applicants have amended various ones of the claims to further clarify the claimed invention. No new matter has been added by the amendment.

In view of the amendments to the claims and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

A. The Objections to Claims 37, 71, and 72 Are Overcome.

The Office Action objects to claims 37, 71, and 72 for various informalities. Applicants have addressed the objections by amending claims 37, 71, and 72 as indicated in the amendments to the claims listed herein. As a result, the objections to claims 37, 71, and 72 are overcome.

B. Claims 1, 6, 8-12, 14-18, 20, 35, 51, 53-62, and 71 are Nonobvious.

Claims 1, 6, 8-12, 14-18, 20, 35, 51, 53-62, and 71 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2005/0075957 to Pincus in view of U.S. Patent Publication No. 2003/0078031 to Masuda, in further view of U.S. Patent No. 6,044,360 to Picciallo. However, the cited combination fails to teach or suggest all of the elements of the claims and the claimed invention is not an obvious variant of the cited combination.

Independent claim 1 recites, and independent claims 35 and 71 similarly recite, "allocate said reserved portion [of money] between said plurality of services as required, without dividing said reserved portion into a plurality of parts between said plurality of services." In this regard, the portion of money is reserved for use by a user device, when the user device is accessing a number of services within a communications session. As described in the published specification at paragraphs [0050] through [0054], the reserved portion may be considered in light a total calculated amount used, based on contributions from each used service, and therefore

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the reserved portion is not divided between the services. The cited combination fails to teach or suggest this feature.

The Office Action admits on page 9, that the combination of Pincus and Masuda fails to disclose this feature. To cure the deficiencies of Pincus and Masuda in this regard, the Office Action cites to the disclosure of Picciallo. However, the combination including Picciallo also fails to teach or suggest the claimed feature. Picciallo is directed to system for monetary account management where promotional funds may be spent on “food, lodging, entertainment, gaming, and the like” using an account system for a casino. However, the disclosure of Picciallo is incompatible with the Pincus and Masuda and therefore the cited combination fails.

The disclosure of Masuda was previously relied upon for disclosing controlling the allocation of the reserved portion. In this regard, the Office Action at page 8 continues to indicate that Masuda is relied upon for its disclosure of “two services [being] executed in accordance with their respective allotments.” Having just described a manner of for executed services based on predefined allotments, the Office Action then attempts to combine Masuda with Picciallo for the purpose of generating a combination to disclose not using predefined service based allotments. If Picadillo does disclose the feature for which it is relied upon, i.e., not generating predefined divisions of funds within a reserved amount, then references are contradictory and one of skill in the art would not combine the references for this purpose.

Further, Picciallo actually teaches the use of predefined allotments for particular services, and therefore Picciallo fails for the same reasons as Masuda. At Col. 12, Lines 10 through 14, Picciallo states “[w]ithin the amount of funds that are allocated for gaming, **separate limits** may be set for types of games, such as slot machines, black jack, and the like. Likewise, within the amount of funds that are allocated for food, **separate limits** may be set for meals and alcoholic beverages.” As such, Picciallo teaches the use of predefined allotments in contradiction to the claimed feature, thereby teaching away from the basis for including Picciallo in the cited combination.

As such, Picciallo is incompatible with the other references of the cited combination, and Picciallo does not disclose the feature that the Office Action relies upon for constructing the cited combination. Independent claims 1, 35, and 71, and their respective dependent claims, are

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therefore patentable over the cited combination, and the rejection of claims 1, 6, 8-12, 14-18, 20, 35, 51, 53-62, and 71 is overcome.

C. Claims 21, 24, 25, 28, 29, 32-34, 37, 63-66, 68-70, and 72 are Nonobvious.

Claims 21, 24, 25, 28, 29, 32-34, 37, 63-66, 68-70, and 72 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pincus in view of U.S. Patent Publication No. 2004/0077332 to Ephraim, in further view of Masuda. However, the cited combination fails to teach or suggest all of the elements of the claims and the claimed invention is not an obvious variant of the cited combination.

The combination of Pincus, Masuda, and Ephraim fails to teach or suggest, at least, "a controller configured to control an allocation of said monetary amount between a plurality of services to be accessed simultaneously by a user device," as recited in independent claim 21, and similarly recited in independent claims 37 and 72. Applicants respectfully submit that independent claim 21 recites "an allocation of said monetary amount," where "said monetary amount" refers back to a monetary amount that has been converted from information defining an amount of a reserved portion in a form other than a monetary amount. Independent claims 37 and 72 recite similar limitations.

Ephraim, which is relied upon for his purpose in constructing the cited combination, discusses a prepaid system which determines how data traffic is handled. The prepaid system examines packets representing requests or data and debits the prepaid account balance for the subscriber. Specifically, the prepaid system first calculates the debit in term of "tokens," which are arbitrary internal units for charging for data transfer. The prepaid system then converts the value of the tokens to a monetary value for debiting the account of the user. (See Ephraim, Para. [0012]). Ephraim explicitly states that the conversion is done for the purpose of debiting the account of the user, and not for the purpose of allocating a reserved portion between a plurality of services. In this regard, Ephraim does not disclose operations with respect to a reserved portion, as recited in the claims. Thus, Ephraim also fails to disclose, or suggest, allocating a monetary amount which has been converted from information defining an amount of a reserved portion in a form other than a monetary amount.

As such, Ephraim does not disclose the feature that the Office Action relies upon for constructing the cited combination. Independent claims 21, 37, and 72, and their respective dependent claims, are therefore patentable over the cited combination, and the rejection of claims 21, 24, 25, 28, 29, 32-34, 37, 63-66, 68-70, and 72 is overcome.

B. Claims 31 and 67 are Nonobvious.

Claims 31 and 67 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pincus, Ephraim, and Masuda in further view of U.S. Patent Publication No. 2004/0148384 to Ramakrishnan. However, the cited combination relies upon Ephraim for disclosing the same features as described above with respect to the rejection of independent claims 21 and 37, for which claims 31 and 67 depend, respectively. Since Ephraim fails in this regard, and Ramakrishnan does not cure the deficiencies of Ephraim (nor is Ramakrishnan cited for this purpose), dependent claims 31 and 67 are patentable over the cited combination due at least to the failures of Ephraim. The rejections of claims 31 and 67 are therefore overcome.

A. Claims 3, 7, 48, 52, 75, and 76 are Nonobvious.

Claims 3, 7, 48, 52, 75, and 76 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pincus and Masuda in further view of U.S. Patent No. 7,162,220 to Hanson. Dependent claims 3, 7, 48, and 52 are patentable for the same reasons as their respective independent claims described above, because Hanson does not cure the deficiencies of Pincus and Masuda, nor is Hanson cited for that purpose for rejecting the respective independent claims. The cited combination of Pincus, Masuda, and Hanson also fails to teach or suggest all of the elements of independent claims 75 and 76 and the claimed invention in this regard is also not an obvious variant of the cited combination.

Independent claim 75, and similarly independent claim 76, recites, " after the request is made, divide said reserved portion into a plurality of parts between said plurality of services, and reallocate a remainder of said reserved portion between said plurality of services when at least one of said plurality of services uses up its part of said reserved portion." Applicants respectfully submit that the combination of Pincus, Masuda, and Hanson fails to disclose, or suggest, the aforementioned feature.

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In response to remarks provided in a previous response, the Office Action now cites to Hanson to cure the deficiencies of Pincus and Masuda. However, Hanson does not cure the deficiencies of Pincus and Masuda. Hanson is merely directed to the use of a maximum allowable call timer that is part of a pre-paid account. The Office Action fails to appreciate that the “using up” of a part of the reserved portion for a particular service is a triggering event for reallocating the remainder as recited in the claims. Hanson fails to provide disclosure indicating that reallocation, as allegedly disclosed in Masuda, would be triggered by the expiration of the timer of Hanson. Neither Hanson nor Masuda discloses this causal relationship, and therefore the cited combination fails to render claims obvious.

As such, independent claims 75 and 76 are patentable over the cited combination. The rejection of claims 75 and 76 is therefore also overcome.

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CONCLUSION

In view of the amendments and remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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